

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID CREWS,	:
Plaintiff,	:
v.	: Case 3:18-cv-25-KRG-KAP
JOHN E. WETZEL, SECRETARY,	:
PENNSYLVANIA DEPARTMENT OF	:
CORRECTIONS, et al.,	:
Defendants	:

Memorandum Order

This matter has been referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636 and Local Civil Rule 72.

After screening the complaint, amended complaint, and second amended complaint pursuant to 28 U.S.C. § 1915A, the Magistrate Judge filed a Report and Recommendation on October 12, 2018, ECF no. 13, recommending that the complaint be dismissed in part without further leave to amend and served on defendant Wetzel, only, as a complaint for injunctive relief, only.

The plaintiff was notified that, pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file written objections to the Report and Recommendation. Plaintiff filed timely objections at ECF no. 14, arguing that he had stated a claim for damages, and not objecting to the dismissal of any defendants other than Smith and Wetzel.

After *de novo* review of the allegations of the Second Amended Complaint, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 29th day of November, 2018, it is

ORDERED that the complaint is dismissed without further leave to amend as to all defendants except Wetzel and as to all claims except for injunctive relief. The Report and Recommendation at ECF no. 13 is adopted as the opinion of the Court. The matter remains with the Magistrate Judge for further proceedings.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

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